

**Clean Water Act Section 604(b) Grant Work Plan**

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**For**

**April 1, 2011 - March 31, 2012**

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Components	Narrative	Indicators	FY 11 Performance Activity Measures
<b>Component # 1 of 3 - Water Quality Management Planning</b>  <b>Under Clean Water Act (CWA) Title 2 §205 (j), EPA provided funding to States to carry out water quality management planning (WQMP) efforts including, but not limited to, activities under CWA §205 (j) and §303(e). CWA §205(j)(3) required the State to allocate at least 40% of those funds to eligible regional public comprehensive planning organizations or interstate organizations (RPCPOs/IOs) for the development and implementation of a plan for carrying out the WQMP program. CWA Title 6 §604(b) continued authorization for allotment of the funds to states in accordance with Section 205(j). EPA Headquarters</b>			

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and EPA Region 2 Letters and Memoranda dated 08/18/87, 10/27/87, 03/7/90, 04/19/90, 4/11/91, 6/21/91, 6/26/91 and 08/02/91 required the continuation of the 40% allocation to RPCPO/IPOs.			
<b><u>Component #1 of 3</u></b> <b>a.</b> (Sue Van Patten) (Seth Ausubel)	<b><u>Narrative</u></b> DEC will comply with the requirements of CWA §604(b) Pass-Thru Funds Memorandum of Agreement (MOA), executed on July 18, 1996, as long as it remains in effect.  DEC staff will review and approve 604(b) pass-through funding for each grant recipients' work plans and budgets for each year of the four-year contracts.  DEC will provide EPA with information on an annual basis summarizing the 604(b) and state-supported water quality management projects contributing to restoration of impaired waterbodies and	<b><u>Indicator</u></b> The approved individual project work plans will be e-mailed to EPA by December 31.  The 604(b) Pass-Through Fiscal Report will be e-mailed annually to EPA by December 31.	<b><u>FY 11 Performance Activity Measures</u></b>

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	watersheds.		
<b>b.</b> (Sue Van Patten) (Seth Ausubel)	DEC will continue to restore and protect New York's watersheds by increasing public awareness and understanding of issues as well as through partnerships for action.	Progress Through 9/30/11 Reported on 10/31/11 and Progress Through 3/31/12 and Reported on 4/30/12	
<b>Components</b>	<b>Narrative</b>	<b>Indicators</b>	<b>FY 11 Performance Activity Measures</b>
<b>Component #2 of 3 Water Quality Standards</b>	<b>The Water Quality Standards Program operates under Section 303 of the Clean Water Act, and requires each state to adopt water quality standards to protect public health or welfare, enhance the quality of water and serve the purposes of the Act as defined in sections 101(a)(2) and 303©).</b>		
<b>a.</b> (Scott Stoner)(Wayne Jackson)	DEC will continue to implement a State Water Quality Standards Program. DEC will <a href="#">propose for public comment</a> a revision of TOGS 1.1.1 "Ambient Water Quality Standards and Guidance Values	Progress Through 9/30/11 Reported on 10/31/11 and Progress Through 3/31/12 and Reported on 4/30/12	Note: <del>With the exception of 2.b below,</del> NYSDEC's commitments for developing nutrient criteria (i.e., WQ 1a, <del>and 1b and 1c</del> ) are included in the State's Clean Water Act Section 604(b) Grant Work Plan For Stimulus Funds

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	<p>and Groundwater Effluent Limitations.” Building upon previous collaboration, DEC will work with EPA to finalize specific areas to be addressed in the next standards (amendments to 6 NYCRR Parts 700-706). DEC will work to identify an appropriate mechanism to address waters with low D.O. due to natural conditions and continue development of nutrient criteria as detailed in the NYS Nutrient Standards Plan, mutually agreed upon by DEC and EPA. DEC will continue to prepare rulemaking documents for the reclassification of the Lake Champlain and St. Lawrence River drainage basins (6 NYCRR Parts 830 and 910, respectively), DEC will continue to participate in the national Water Quality Standards Manager’s Association (WQSMA).</p>		<p>April 1, 2009 - March 31, 2011</p> <p>WQ-3a: Number, and national percent, of States and Territories that within the preceding three year period, submitted new or revised water quality criteria acceptable to EPA that reflect new scientific information from EPA or other resources not considered in the previous standards.</p> <p>NY=s Draft commitment = 1</p> <p>WQ-4a Percent of State/Territorial water quality standards submissions (received in the 12 month period ending April 30th of the fiscal year) that are approved by EPA. Partial approvals receive fractional credit.</p> <p>NY=s Draft commitment = N/A</p>
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<u>Components</u>	<u>Narrative</u>	<u>Indicators</u>	<u>FY 11 Performance Activity Measures</u>
<p><b>Component #3 of 3 – TMDLs</b></p> <p><b>a. (Ron Entringer) (Rosella O'Connor):</b></p>	<p>DEC will continue ongoing work developing TMDLs, some of which are not expected to be completed during this PPG time frame, including: Onondaga Lake, NY-NJ Harbor, acid lakes, Forge River, Western Bays of the South Shore Estuary, Chesapeake Bay, Upper Mohawk and Nine Mile Creek, Cayuga Lake and other small lakes. NYSDEC has undergone a 43% reduction in TMDL development staff. At the same time, high priority TMDL work that does not result in creditable final TMDLs (Chesapeake Basin work) has and will continue to consume significant staff resources. As such, NYSDEC and EPA have agreed on four small lakes (waters/pollutants) for which TMDLs will be submitted in time for EPA to approve by Sept. 30, 2011. <a href="#">The four small lake TMDLs</a> are:</p>		<p>WQ 8b = Number of TMDLs established by States and approved by EPA. NY's commitment = <del>29</del> TMDLs for FFY 2010.</p>

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	<ul style="list-style-type: none"> <li>- Basic Creek Reservoir</li> <li>- Port Bay</li> <li>- <a href="#">Chautauqua Lake North</a></li> <li>- <a href="#">Chautauqua Lake South</a></li> </ul>		
<b>b.</b> (Ron Entringer) (Rosella O'Connor)	NYSDEC and EPA will agree, by September 1, 2011, on the list of waters/pollutants for which TMDLs will be established by the State and submitted to EPA for its review and approval by Sept. 30, 2012.	Final list of FFY 12 TMDLs by September 1, 2011.	

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### **Reporting on Progress**

DEC will provide a narrative report on progress for Component 1b. and Component 2a. by October 31, 2011 and April 30, 2012. Progress will be reported separately on Component 1a. by December 31, 2011. DEC will advise the USEPA whether or not the commitment has been met, is on schedule to be met or is not expected to be met. In the latter case, the DEC will explain the reason for not achieving the commitment and when it is likely to be met. The USEPA will review the 604(b) Status Report and advise the DEC of its concerns by November 30, 2011 and May 31, 2012. The DEC will attend any meeting requested by the USEPA which is needed to clarify and/or resolve any issues and concerns.

### **Abbreviations and Acronyms**

1. CWA -Clean Water Act
2. DEC - Department of Environmental Conservation
3. EPA - Environmental Protection Agency
4. DO - Dissolved Oxygen
5. MOA - Memorandum of Agreement
6. RPCPOs/IOs - Regional Public Comprehensive Planning Organizations or Interstate Organizations
7. TOGS - Technical and Operational Guidance Series
8. USEPA - United States Environmental Protection Agency
9. WQ -Water Quality
10. WQMP - Water Quality Management Planning